

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM L. WINDOM,

Plaintiff,

vs.

ERIC BAILEY, et al.,

Defendants.

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Civil Case No. 03-786-GPM

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is defendants' motion for sanctions and/or dismissal (Doc. No. 22). On April 4, 2006, this Court entered a scheduling order directing plaintiff to notify the Clerk and defense counsel of any change in his mailing address within 7 days. Plaintiff was advised that failure to report an address change would result in sanctions, which may include dismissal (Doc. No. 19). Recently, defense counsel contacted the Illinois Department of Corrections and learned that plaintiff was discharged from custody on August 18, 2006. Plaintiff has not notified defense counsel or the Court of a new address following his release from confinement. Plaintiff has also failed to respond to an order, sent to his last known mailing address in Cahokia, Illinois, directing him to show cause why his case should not be dismissed for noncompliance with this aspect of the scheduling order (Doc. No. 24).

Defendants' motion is unopposed. Pursuant to Local Rule, the absence of a response may be deemed an admission to the merits of the motion. SDIL-LR 7.1(c). Pursuant to Rule 16(f), sanctions may be imposed when a party or a party's attorney fails to obey a scheduling order. Fed. R. Civ. P. 16(f).

Plaintiff has no excuse for his failure to notify defense counsel and the Clerk of his whereabouts over an extended period of time. This case cannot proceed without plaintiff's participation. Under these circumstances, sanctions are warranted.

IT IS RECOMMENDED that defendants' motion (Doc. No. 22) be GRANTED. This action should be dismissed as a Rule 16(f) sanction for plaintiff's failure to notify defense counsel and the Clerk of his new address following his discharge from custody on August 18, 2006.

SUBMITTED: November 14, 2006 .

s/ Philip M. Frazier

PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE